

**PRODUCT:** 30 *Spectro-Chrome* devices at Colfax, El Dorado, Milwaukee, Fond du Lac, and Newton, Wis.; Detroit, Flat Rock, Hamtramck, Wyandotte, Dearborn, Lenox, and Royal Oak, Mich.; Liberty, Wash.; and Cleveland and Euclid, Ohio.

Examination showed that the device consisted essentially of a cabinet equipped with a 1,000-watt floodlight bulb, an electric fan, a container for water for cooling purposes, two glass condenser lenses for concentrating the light, and a number of glass slides of different colors.

**NATURE OF CHARGE:** Misbranding, Section 502 (f) (1), the labeling of the device failed to bear adequate directions for use for the purposes for which it was intended.

**DISPOSITION:** Between the dates of October 26, 1948, and December 27, 1949. The following-named individuals in possession of the devices refused to surrender them when the marshal first attempted to make seizure: Walter Chandler, Mrs. Blanch C. Leighton, Mrs. Kate Kirsammer, William Cunningham, Joseph Lipinski, John A. McDougall, John B. Cunningham, Fred Petsch, and Stella Hitkowski, all of Detroit, Mich.; Mrs. Anna Cabaj, Hamtramck, Mich.; Mrs. Victoria Dabrowa, Wyandotte, Mich.; Dorothy Westphol, Dearborn, Mich.; and Joseph A. Lull, Milwaukee, Wis. However, the Government instituted proceedings in the appropriate courts, which resulted in the issuance by the courts of orders to each of the individuals, upon the receipt of which the 13 devices involved were surrendered. Counsel representing several of the above-named individuals, and also another consignee of Detroit, Mich., intervened, whereupon on motion of the Government's attorneys, orders were entered directing the individuals to post security for costs. The orders provided that failure to post such security would effect a default, entitling the Government to judgment. Since no answers were filed and no security for costs was posted, defaults were duly noted.

No claimant appeared for the devices involved in the remaining actions, with the exception that Jack Kirsch, Liberty, Wash., appeared as the claimant for the device seized at that point. Mr. Kirsch filed an answer denying the misbranding of the device, but subsequently admitted the allegations of the libel and consented to the entry of a decree.

Decrees of condemnation were entered in all cases, and the courts ordered that the devices be destroyed, with the exception of four that were ordered delivered to the Food and Drug Administration.

#### **DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS**

**3026. Adulteration of dextro-amphetamine hydrochloride tablets. U. S. v. 52,000 Tablets \* \* \*. (F. D. C. No. 28751. Sample No. 47649-K.)**

**LIBEL FILED:** March 9, 1950, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about August 29, 1949, by Hance Bros. & White Co., from Philadelphia, Pa.

**PRODUCT:** 52,000 *dextro-amphetamine hydrochloride tablets* at Norfolk, Va.

**LABEL, IN PART:** (Drum) "C. T. 'Pale Yellow' Each containing: d-Amphetamine HCl. 5 Mg."; (portion repackaged into bottles) "Dexo-Tabs Each Tablet Contains Dextro-Amphetamine Hydrochloride 5 Mg."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess, namely, d-amphetamine hydrochloride 5 mg. (Examination disclosed that the tablets contained not more than 4.15 milligrams of dextro-amphetamine hydrochloride.)

DISPOSITION: March 30, 1950. Default decree of condemnation and destruction.

**3027. Adulteration of peppermint leaves, powdered capsicum, and Hungarian chamomile. U. S. v. 1 Bag, etc. (F. D. C. No. 28048. Sample Nos. 11777-K, 11779-K, 11780-K.)**

**LIBEL FILED:** October 18, 1949, District of Connecticut.

**ALLEGED SHIPMENT:** On or about August 24 and 29 and September 8, 1949, from New York, N. Y.

**PRODUCT:** 1 bag containing 31 pounds of *peppermint leaves*, 1 drum containing 25 pounds of *powdered capsicum*, and 66 pounds in bulk and 136 cases, each case containing 720 1-ounce packages, of *Hungarian chamomile*, at Fairfield, Conn.

NATURE OF CHARGE: Adulteration, Section 501 (b), the products purported to be and were represented as drugs the names of which are recognized in official compendiums, and their purity and quality fell below the official standards since they contained insects, insect fragments, and rodent hairs. The standards provide that vegetable drugs are to be as free as practicable from molds, insects, and other animal contamination, and animal excreta. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 11, 1950. Default decree of condemnation and destruction.

**3028. Adulteration of oil of theobroma. U. S. v. 694 Bottles \* \* \*. (F. D. C. No. 28460. Sample No. 11702-K.)**

**LIBEL FILED:** December 8, 1949, Southern District of New York.

**ALLEGED SHIPMENT:** On or about February 8, 1949, by the Royal Sundries Corp., from New Brunswick, N. J.

**PRODUCT:** 694 2-ounce bottles of *oil of theobroma* at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be and was represented as "theobroma oil," a drug the name of which is recognized in the United States Pharmacopoeia, and its quality and purity fell below the official standard since it had a rancid, acrid odor and a rancid taste. The standard provides that *theobroma oil* has a faint, agreeable odor and a bland taste.

DISPOSITION: January 25, 1950. Default decree of condemnation and destruction.

**3029. Adulteration and misbranding of prophylactics. U. S. v. 252 Gross \* \* \*. (F. D. C. No. 28466. Sample Nos. 56599-K, 56600-K.)**

**LIBEL FILED:** December 5, 1949, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about October 31, 1949, by Central Sundries, Inc., from East Newark, N. J.

**PRODUCT:** 252 gross of *prophylactics* at Brooklyn, N. Y. Examination of samples showed that 2.4 percent were defective in that they contained holes.

**LABEL, IN PART:** (Package) "Package of Two Royal Knight Prophylactics."